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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,325	03/09/2000	Mohammad R. Zonoun	003239.P059	2790

7590 02/25/2004

Blakely Sokoloff Taylor & Zafman LLP
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EXAMINER

LY, NGH I H

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/522,325

Applicant(s)

ZONOUN, MOHAMMAD R.

Examiner

Nghi H. Ly

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12/15/2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-120.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: _____

Marsha O. Banks-Harold
MARSHA O. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 2. NOTE: See the newly-added limitations in claims 1-10, 21-37, 60-70, 81-90 and 101-110 which raise new issues that would require further consideration and/or search.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments (regarding claims 11-20, 38-59, 71-79, 91-100 and 111-120) filed 12/15/2003 have been fully considered but they are not persuasive.

On page 18 of Applicant's remarks, Applicant argues that Cunningham does not disclose sending an activation message in response to a telephone call.

The Examiner, however, disagrees. Cunningham, column 7, lines 3-8 which states "*Data collection modules 110 with secondary responsibility for a multiple-path sensor interface module 106 will not transmit information from that multiple-path sensor interface module 106 during normal transmissions, and will only transmit the information from that multiple-path sensor interface module 106 upon a transmit request.*" And see column 44, lines 61-64 for "*customer's request*". Cunningham inherently teaches an activation message in order to activate the data collection modules 110 so that the data collection modules 110 will know when to transmit or when not to transmit the information upon a transmit request. Therefore, Cunningham indeed teaches Applicant's claimed limitation.

On pages 18, 19 and 20 of Applicant's remarks, Applicant further argues that there is no motivation to combine Cunningham, Newsman and Kennedy.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

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references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to do so found in the references themselves so that the remote metering can also be manually activated by a phone call *and* the remote metering and location information can be transmitted in either digital or analog forms.

On page 20 of Applicant's remarks, Applicant further argues that Cunningham, Newman and Kennedy take alone or in combination, does not teaches a decoder to decode an activation message, the activation message the being sent from an activator in response to a telephone call, the decoder generating an activation command, a transmitter/receiver to transmit/receive an information message response to the activation command.

In response, Cunningham, column 4, lines 58-62, wherein the data collection module will gather the information from sensor interface modules, it is inherent that the data collection module 10 includes a decoder to decode the received the information or messages or generating an activation command, and Cunningham further teaches the activation message the being sent from an activator in response to a telephone call and a transmitter/receiver to transmit/receive an information message response to the activation command, see column 7, lines 3-8 which states "*Data collection modules 110 with secondary responsibility for a multiple-path sensor interface module 106 will not transmit information from that multiple-path sensor interface module 106 during normal transmissions, and will only transmit the information from that multiple-path sensor*

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interface module 106 upon a transmit request." And see column 44, lines 61-64 for *"customer's request"*. Cunningham inherently teaches an activation message in order to activate the data collection modules 110 so that the data collection modules 110 will know when to transmit or when not to transmit the information upon a transmit request.

On page 20 of Applicant's remarks, Applicant further argues that the sensor interface module or the data collection modules disclosed in Cunningham are neither decoder nor activator.

In response, Cunningham indeed teaches a decoder (see Examiner's answer above) and an activator, see column 4, lines 56-58, *"the sensor interface module will send this information to the data collection module"*. Therefore, the sensor interface module is an activator.

For the above reasons, the Examiner believes that the rejections to claims are proper.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi H. Ly

1066
02/22/04

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